

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

v.

CARLO ST. JEAN,

Defendant

Criminal No. 10-148 (SRC)

Hon. Stanley R. Chesler, U.S.D.J.

[PROPOSED] ORDER

This matter having been brought before the Court on applications of Paul J. Fishman, United States Attorney for the District of New Jersey (Aaron Mendelsohn and Seth B. Kosto, Assistant United States Attorneys, appearing) and Carlo St. Jean (Robert T. Pickett, Esq., appearing) for pre-trial rulings on the United States' Second Motion in Limine dated May 26, 2011 and Mr. St. Jean's Cross Motion dated June 17, 2011

IT IS, for the reasons stated in open court on June 20, 2011, on this 28th day of June, 2011:

ORDERED that the United States may use in its case in chief statements made by Mr. St. Jean to Internal Revenue Service ("IRS") Special Agents on May 11, 2007;

ORDERED that the Court reserves its decisions on the admissibility of testimony and evidence regarding taxpayer A.E.'s 2007 U.S. Individual Income Tax Return pending an evaluation of that witness' proffered testimony;

ORDERED that the United States may use in its case in chief information contained on Schedule E of taxpayer P.C.'s 2005 U.S. individual income tax return;

ORDERED that the United States may introduce evidence in its case in chief that an investigation of Mr. St. Jean led it to take investigative steps that included interviewing Mr. St. Jean and sending an undercover agent into Mr. St. Jean's tax

preparation business posing as a taxpayer, but that the United States may not introduce evidence regarding the reasons that led the IRS to investigate Mr. St. Jean, unless and until Mr. St. Jean offers evidence or argument that he was improperly or unfairly selected for investigation or prosecution;

ORDERED that Mr. St. Jean may not introduce testimonial or documentary evidence tending to prove that he did not commit crimes with respect to others of his taxpayer customers who are not named in the Superseding Indictment;

ORDERED that Mr. St. Jean's motion to continue the trial date is granted, and that the trial will commence with jury selection on Tuesday, July 19, 2011 at 9:30 a.m.;

ORDERED that Mr. St. Jean's Cross Motion for severance of Counts 14 and 15 of the Superseding Indictment from Counts 1 through 13 of the Superseding Indictment is denied because the groups of counts are properly joined pursuant to Fed. R. Crim. P. 8(a) and because defendant has not shown that he would be prejudiced by the failure to sever these groups of counts pursuant to Fed. R. Crim. P. 14(a);

ORDERED that Mr. St. Jean shall file his proposed voir dire and requests to charge no later than July 5, 2011;

ORDERED that Mr. St. Jean shall orally identify by name and the general subject matter of the testimony any proposed expert witness no later than June 27, 2011;


ORDERED that Mr. St. Jean shall comply, no later than June 30, 2011 with the requirements of Fed. R. Crim. P. 16(b)(1)(C) by providing in writing a written summary of any expert testimony that he intends to offer under Rules 702, 703, and 705 of the Federal Rules of Evidence as evidence at trial. This summary must describe the witness' opinions, the bases and reasons for those opinions, and the witness' qualifications; and

ORDERED that if any party requests a sequestration order, the United States is permitted to have an IRS case agent present in the courtroom for all witness testimony; and

ORDERED that witnesses subject to sequestration orders shall not be directly or indirectly informed of a prior witness' testimony, and that witnesses may not communicate directly or indirectly with the attorneys who questioned them on direct examination (or with the attorneys' agents or investigators) while they are pending and subject to cross-examination; and

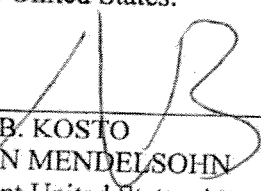
ORDERED that the parties shall submit no later than July 14, 2011 a neutral statement of the case and the nature of the charges against Mr. St. Jean for the Court's use in jury selection.

June 28, 2011
Newark, New Jersey


STANLEY R. CHESLER
UNITED STATES DISTRICT JUDGE

Consent to form and entry of proposed Order:

For the United States:


SETH B. KOSTO
AARON MENDELSON
Assistant United States Attorneys

For defendant Carlo St. Jean:


ROBERT T. PICKETT, ESQ.